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3. Dyson's Suction Power Claims.

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4. Dyson's Claims That Its Vacuum Cleaners Do Not Rely Upon Bags or Filters.

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6. **Dyson's Claims That Its Vacuums Pick Up Large Dirt and Debris That Other Vacuums Leave Behind**

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7. Dyson's Advertising Claims That Other Vacuum Cleaners Do Not Work Properly or Effectively.

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8. Dyson's Advertising Claims That Its Vacuum Cleaners are Approved for Allergy Sufferers.

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9. Dyson's Force of Gravity Claims.

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10. Dyson's Advertising Claims That Its Dirt Cups are Hygienic.

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### 11. Dyson's Liquid Steel Claims.

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12. Dyson's Advertising Claims That James Dyson Invented the Integral Hose.

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13. Dyson's Advertising Claims That James Dyson Invented the Relevant Cyclonic Technology.

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14. **Dyson's Advertising Claims That Hoover UK Was Found Liable For Infringing Dyson's Patent.**

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**B. Dyson's Advertising Claims are Not Impliedly False or Misleading.**

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1. **Consumers Do Not Take Away Implied False Claims From Dyson's Advertising.**

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Figure 1. The effect of the number of trials on the number of correct responses. The number of correct responses was plotted against the number of trials for each condition. The number of correct responses increased with the number of trials for all conditions. The number of correct responses was highest for the condition with the highest number of trials (10 trials) and lowest for the condition with the lowest number of trials (2 trials).

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1. *Journal of Management Studies*, 1997, 34, 1, 1-14.

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Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains. The *Agrobacterium* strains were cultured in LB medium containing 100 mg/ml ampicillin and 50 mg/ml kanamycin at 28 °C for 24 h. The cell concentration was adjusted to 1.0 × 10<sup>8</sup> cells/ml. The cell suspension was mixed with 100 µl of the plant protoplast suspension. The mixture was incubated for 1 h at 28 °C. The protoplasts were then cultured in the presence of 100 mg/ml ampicillin and 50 mg/ml kanamycin for 24 h. The transformation efficiency was determined by the number of transformants per 10<sup>6</sup> protoplasts. The data are the mean ± SD of three independent experiments.

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2. **Any Implied Claim that Dyson Vacuum Cleaners “Clean Better” is Not False or Misleading.**

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4. Dyson Distinguishes Between Models Where Appropriate.

[REDACTED]

[REDACTED]

[REDACTED]

5. Several Advertising Claims Designated by Maytag Are Unactionable or Beyond the Scope of this Litigation.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

V. HOOVER'S LOSS OF MARKET SHARE AND REVENUE IS THE RESULT OF HOOVER'S FAILURE TO RESPOND TO CHANGES IN THE MARKETPLACE AND CONSUMER PREFERENCES, AND WAS NOT CAUSED BY ANY PURPORTEDLY FALSE ADVERTISING BY DYSON.

A. Hoover Was Unprepared to Compete With Dyson in the Marketplace.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B. Hoover Had No Product to Compete With Dyson Until Years After Dyson's Entry Into the U.S. Market.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

C. Hoover's Advertising Was Insufficient and Ineffective.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

**D. Hoover Failed to Respond to the Industry-Wide Shift to Low-End Vacuum Cleaners Imported From Asia.**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**E. Hoover's Floorcare Business Was Burdened by an Unfavorable Cost Structure.**

**F. Maytag Has Admitted That Hoover's Decline Was the Result of a Failure to Compete in a Changing Marketplace.**